

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**RICARDO A. FERNANDEZ,**

**Defendant.**

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**8:09CR92**

**ORDER**

This matter is before the court on the "MOTION TO CONTINUE TRIAL OR IN THE ALTERNATIVE FOR A TRANSPORTATION, HOUSING AND SUBSISTENCE ORDER" (Doc. 68) filed by defendant, Ricardo A. Fernandez.

This case has been pending for over 13 months. The trial order was filed on April 12, 2010, upon the final resolution of the codefendant's pretrial motions. In the motion, defense counsel states that he did not advise the defendant of the May 5, 2010 trial date until April 23, 2010, and it would be "difficult" for the defendant to return to Omaha from California "because of Defendant's lack of funds." The defendant has not provided the affidavit or declaration required by NECrimR 12.1(a), and the defendant has not provided a current financial affidavit demonstrating the need for further financial assistance.

**IT IS ORDERED** that the motion (Doc. 68) is denied. The case remains set for trial on **May 5, 2010** as previously ordered.

A party may object to this order by filing an "Objection to Magistrate Judge's Order" no later than **April 28, 2010**. The objecting party must comply with all requirements of NECrimR 59.2.

**DATED April 26, 2010.**

**BY THE COURT:**

**s/ F.A. Gossett  
United States Magistrate Judge**